

**Security Council**

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Letter dated 5 July 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Netherlands to the United Nations addressed to the President of the Security Council

As Chargé d'affaires a.i. of the Kingdom of the Netherlands, I am writing to you, also on behalf of the Permanent Representatives of Australia, Belgium, Malaysia and Ukraine (together, the "joint investigation team" countries) to the United Nations, in your capacity as President of the Security Council for the month of July.

With reference to Security Council resolution 2166 (2014) and my previous letters to the Council of 1 and 28 August, 9 September and 16 December 2014, 20 July and 13 October 2015 and 28 September 2016, we have the honour to inform you that a joint decision has been taken that those responsible for the downing of MH17 should be prosecuted in the Netherlands with close and ongoing international cooperation and support. The joint investigation team countries are resolved to ensure that those responsible are held to account and will continue to work closely together to that end.

The trial will take place within the framework of Dutch criminal justice proceedings, on the basis of tried and tested substantive and procedural criminal law. The Dutch legal system grants considerable rights to next of kin to observe and participate in proceedings. Furthermore, the Netherlands maintains a joint legal framework with many countries for legal assistance and extradition, based on multilateral and bilateral treaties. The cooperation between the investigative authorities will also continue in the prosecution phase.

The choice of prosecution mechanism is an important step on the path to trying the suspects, establishing the truth and achieving justice for the victims and their next of kin.

The independent criminal investigation by the joint investigation team is still ongoing. We recall that the Security Council, in its resolution 2166 (2014), demanded that "all States cooperate fully with efforts to establish accountability".

Australia, Belgium, Malaysia, the Kingdom of the Netherlands and Ukraine remain fully committed to holding those responsible for the downing of flight MH17 to account. Justice must be done for the families and loved ones of the victims and accountability for this atrocious act must be secured.

I would be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Lise Gregoire-van Haaren
Ambassador
Chargé d'affaires a.i.
Deputy Permanent Representative

